

## EQUAL SUFFRAGE MEASURE VETOED

Bill Passed in Arizona Legislature  
With Handsome Majority.

CONFLICT WITH ORGANIC ACT

So Held by Governor Alexander O.  
Brodie—Full Text of Veto  
Message.

Thatcher, Graham Co., Ariz., March 24.—As the subject of equal suffrage is of great interest to our people, we present herewith a copy of a letter received from Governor A. O. Brodie in explanation of his vetoing the suffrage bill which passed both houses on the 17th inst., during the closing hours of the legislative session with a handsome majority in each branch. In answer to a telegram and urgent letter sent by President Andrew Kimball urging the governor to sign the bill, the following has been received:

Phoenix, March 21, 1903.  
My Dear Mr. Kimball—Replying to yours of March 17, which I am forced to do in a very few lines, I have to say that on account of the position held by a territory directly under the laws of Congress and the Constitution of the United States, I have been forced to veto the equal suffrage bill, believing it to be unconstitutional and believing that until such time as matters can be rectified it would bring too many complications to allow the possibility of its passage.

Enclosed I hand a copy of my message, and if you will take the trouble to look up the cases mentioned, particularly the one in Washington Territory, which, as a territory, had the same organic act as ours at the time a woman's suffrage bill was passed there, you will understand better the reasons of my veto.

While writing I desire to say that Graham county could never be represented by a more consistent, energetic and painstaking man than Mr. Webb. [The only "Mormon" member in the assembly,] and from the intercourse I have had with him I have derived much pleasure. I appreciate him thoroughly as a good man and citizen. I had the pleasure of seeing Mrs. Kimball yesterday for a moment, and as soon as Mrs. Brodie is about and out again we shall hope to have her at our house. With kind personal regards, Yours sincerely,  
ALEXANDER O. BRODIE.

To Hon. Andrew Kimball, Thatcher, Arizona.

Following is the full text of the governor's message vetoing the bill:

Office of the Governor, Phoenix, Arizona.

March 19, 1903.

To the Honorable the House of Representatives, Twenty-second Legislative Assembly of Arizona.

Gentlemen:—I have the honor to return to you herewith house bill No. 81, without my signature.

As a reason therefor I wish to briefly state that in my judgment the subject of the bill is not within the powers of the legislature to legislate upon.

Paragraph 15 (section 183) of the Organic Law of Arizona defines the legislative power of the territory as extending to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States. The question therefore to be determined is: Is the subject matter of house bill No. 81, giving the suffrage to females—measured by the Constitution and laws of the United States—a rightful subject of legislation not inconsistent with the Constitution and laws of the United States?

It is evident in the mind of Congress at the enactment of sections 183 and 180 that it was dealing with the subject of male citizens exclusively. Females were and would be residents of the territories at the time of the contemplated elections and, according to certain acceptations of the word "citizens," also citizens of the territory. If Congress intended to give the elective franchise to citizens regardless of sex it would not have placed the express limitation to the "male" citizen.

However, courts in passing upon the question of the subject matter of this bill, have given construction to the term "citizen" in its relation to the elective franchise. They make a distinction between political and civil rights. The latter constitutes the citizen while the former are not necessary ingredients. The territory may deny all her political rights to an individual and yet he may be a citizen. The rights of office and suffrage are political purely and are denied by some or all of the states to part



No matter from which  
grocer you buy—its the  
same coffee. Always uni-  
form in quality.

1 and 2 lb. cans. All grocers.  
J. A. FOLGER & CO.  
San Francisco.  
Importers of Fine Coffees.

ent with the Constitution and laws of the United States?

As the question presents itself to my mind, when the territorial legislature does or attempts to legislate upon a subject not directly pointed out or contemplated by the Constitution or laws of the United States, it is legislating upon a subject which is not consistent therewith.

The organic act of the territory furnishes a constitutional limitation beyond which the legislature of the territory cannot rightfully proceed. Congress created territorial governments and furnished the rules of conduct by which the government is to exist, and provided a limitation to each branch thereof. Legislation, of course, must not be in conflict with the laws of Congress under and by which it is organized, and the power to legislate is granted, and the power to legislate is limited, the power of the legislature to make laws.

Paragraph 25 (section 185) of the organic law of Arizona reads as follows: "Every male citizen above the age of 21 years who are actual residents of such territory at the time of the organization, shall be entitled to vote at the first election in such territory, and thereafter, subject to the limitation in section 180."

Paragraph 26 (section 186) provides that at all subsequent elections the qualification of voters shall be such as are prescribed by the legislative assembly of the territory, subject to certain restrictions on the power of the legislative assembly mentioned in said section, the first of which is:

"The right of suffrage \* \* \* shall be exercised only by citizens of the United States above the age of 21 years."

Second: "There shall be no denial of the elective franchise to a citizen on account of race, color or previous condition of servitude."

The territorial legislature is therefore restricted to confer the elective franchise only upon citizens, or those who have declared their intention to become citizens. The privilege of voting is not a natural right, but a privilege conferred by law.

Who are "citizens" within the intention and contemplation of the organic act?

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Females were and would be residents of the territories at the time of the contemplated elections and, according to certain acceptations of the word "citizens," also citizens of the territory.

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The territory may deny all her political rights to an individual and yet he may be a citizen. The rights of office and suffrage are political purely and are denied by some or all of the states to part

of their population who are still citizens.

Van Valkenburg vs Brown, 43 Calif., 42.

Bloomer vs Todd, et al, 19 Pac. Rep., 125.

That Congress intended to restrict the elective franchise to male citizens is further evidenced by the fact that each state is entitled to legislate upon the subject.

Section 2, of Article 14, of the Constitution of the United States, reads as follows:

"Representatives shall be apportioned among the several states according to their respective numbers. \* \* \* But when the right to vote \* \* \* is denied to any male inhabitants of such state, being 21 years of age and citizens of the United States, \* \* \* the basis of representation therein shall be reduced." \* \* \* etc.

It will be seen that by extending the vote to females the basis and fabric of federal representation to which each state is entitled cannot be adjusted without a change in the above stated article of the Constitution of the United States.

To my mind then it is clear that it was the intention of Congress to limit the elective franchise to male citizens; that the territorial legislature receives its powers to legislate from Congress, and that the legislature in enacting house bill No. 81 into a law legislated upon a subject not consistent with the Constitution of the United States and the acts of Congress.

I therefore return the bill to your honorable body without approval.

Very respectfully,  
(Signed),  
ALEXANDER O. BRODIE,  
Governor of Arizona.

A MISSING \$500 NOTE.

Dressmaker Is Suspected but Search Discloses No Money.

J. Bergerman called at the police station yesterday and reported to Chief Sheets that about three weeks ago a United States note for \$500 was stolen from his place.

Mr. Bergerman believes, stole the note. He says the woman was employed by his wife about three weeks ago and that when she left, the \$500 was missed. Mr. Bergerman said nothing to her husband about the matter until this morning.

She waited in the hope of finding the note but her careful search was unavailing. She suspected the woman of taking it, and when she told Mr. Bergerman he lost no time in getting a search warrant against a dressmaker who, Mr. Bergerman believes, stole the note.

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## UTAH SHEARING HAS COMMENCED

Ninety Bags Are Stacked Up at a  
Point Near Price.

14,000,000 LBS. ESTIMATED.

Output for Season About Up to Average—Eastern Woolbuyers Are Commencing to Arrive.

Although all the woolbuyers have not yet arrived from the east, the Utah wool season has commenced. Last week the first shearing of the season began with the result that there are 90 bags of wool now stacked up near Price. On April 10, shearing will commence in earnest at Price, with indications that there will be the heaviest clip on record at that point. It is estimated that these pens alone there will be 15,000,000 pounds of wool for shipment in the next few weeks. On Monday operations will also commence at Thompson's, also at Milford and Blackrock on the Oregon Short Line. Shearing will also be inaugurated at the Montpelier tomorrow week, and at Cisco on the 21st. From then on all will be hustle, and freight agents will be as scarce as the proverbial hens' teeth in Salt Lake.

From